

## **FISCAL NOTE**

### **SB 3545 - HB 3891**

March 12, 2006

**SUMMARY OF BILL:** Increases the penalty for a controlled substance offense by one classification level if the offense occurred on the grounds of a place of worship or within 1,000 feet of a place of worship. Requires offender to serve at least the minimum sentence for the applicable range, without allowance for sentence reduction credits or parole eligibility.

#### **ESTIMATED FISCAL IMPACT:**

##### **Increase State Expenditures - \$383,700 / Incarceration\***

###### Assumptions:

- According to the Department of Correction, 0.2% of controlled substance offenses occur on or within 1,000 feet of a place of worship.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years.
- Two Class B felony offenses @ 30 percent of sentence will be elevated to Class A offenses at 100 percent of sentence. Two Class B felony offenders will serve an additional 5.6 years (an increase from 2.4 years to 8.0 years). According to DOC, the average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate at 2.4 years is \$43,847.53 (\$50.02 x 876.6 days). The cost per inmate at 8.0 years is \$146,158.44 (\$50.02 x 2,922 days). The additional cost from increasing the average sentence length from 2.4 years to 8.0 years is \$102,310.91 (\$146,158.44 - \$43,847.53). The total additional operating cost for two offenders is \$204,621.82 (\$102,310.91 x 2).
- Four Class C felony offenses @ 30 percent will be elevated to Class B at 100 percent. Four Class C felony offenders will serve an additional 2.1 years (an increase from 0.9 years to 3.0 years). The cost per inmate at 0.9 years is \$16,443.07 (\$50.02 x 328.73 days). The cost per inmate at 3.0 years is \$54,809.42 (\$50.02 x 1095.75 days). The additional cost from increasing the average sentence length from 0.9 years to 3.0 years is \$38,366.35 (\$54,809.42 - \$16,443.07). The total additional operating cost for four offenders per year is \$153,465.40 (\$38,366.35 x 4).
- One Class D felony offense @ 30 percent will be elevated to Class C at 100 percent. One Class D felony offender will serve an additional 1.4 years (an increase from 0.6 years to 2.0 years). The cost per inmate at

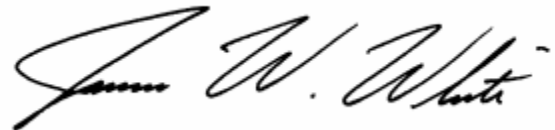
0.6 years is \$10,961.88 (\$50.02 x 219.15 days). The cost per inmate at 2.0 years is \$36,539.61 (\$50.02 x 7,305 days). The additional operating cost from increasing the average sentence length from 0.6 years to 2.0 years is \$25,577.73 (\$36,539.61 - \$10,961.88).

- No Class A or Class E felony offenses will be elevated.

*\*Tennessee Code Annotated, Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director